

April 4, 2016

WISCONSIN SUPREME COURT

TABLE OF PENDING CASES

Clerk of Supreme Court
Telephone: (608) 266-1880
Facsimile: (608) 267-0640
Web Site: www.wicourts.gov

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The following table describes pending cases the Supreme Court has accepted on petition for review, bypass, certification and original jurisdiction.

The cases included for the first time (that is, the most recently accepted cases) are marked with an * next to the case number. After the Supreme Court decides a case, the date of oral argument or date of submission on briefs is replaced with the date of the Supreme Court decision and abbreviated mandate. That mandate will generally be listed in the table for two months and then the case will be removed from the table.

The information in the table, from left to right, is as follows:

- the case number;
- an abbreviated caption of the case (case name);
- a statement of the issue(s);
- the date the Supreme Court accepted the case;
- the method by which the case came to the Supreme Court: REVW = Petition for review, CERT = Certification, CERQ = Certified Question, BYPA = Petition to bypass, ORIG = Original Action, WRIT = Petition for supervisory writ, REMD = Remanded from the U.S. Supreme Court;
- the date of oral argument or submission on briefs; or the date of the Supreme Court decision and an abbreviated mandate;
- the Court of Appeals district from which the case came, if applicable; the county;
- the date of the Court of Appeals decision, if applicable;
- whether the Court of Appeals decision is published or unpublished, and, if it is published, the citations to the public domain citation and the official reports for the Court of Appeals decision.

The statement of the issue is cursory and does not purport to be an all-inclusive, precise statement of the issues in the case. Readers interested in a case should determine the precise nature of the issues from the record and briefs filed with the Supreme Court.

The following table covers cases accepted and decisions issued through **April 4, 2016**. Please direct any comments regarding this table to the Clerk of Supreme Court, P.O. Box 1688, Madison, WI 53701-1688, telephone (608)266-1880.

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Case No.	Caption/Issue(s)	SC Accepted	CA Dist/ Cty	CA Decision
2011AP2680-CR	<u>State v. Patrick J. Lynch</u> Do defendants have a constitutional right to disclosure of privately held privileged records? If they do, what is the basis for the constitutional right? After determining that a defendant had made the showing required by <u>State v. Shiffra</u> , 175 Wis. 2d 600, 499 N.W.2d 719 (Ct. App. 1993) and <u>State v. Green</u> , 2002 WI 68, 253 Wis. 2d 356, 646 N.W.2d 298, could the circuit court have invoked Wis. Stat. § 146.82(2)(a)4. To obtain a witness/victim's medical records without consent? Assuming a circuit court cannot obtain a witness/victim's privileged records without consent pursuant to § 146.82(2)(a)4., is witness preclusion always required when a defendant satisfies <u>Shiffra/Green</u> but the witness/victim withholds consent to an in camera review of privileged records?	03/16/2015 REVW Oral Arg 10/12/2015	4 Dodge	01/28/2015 Pub. 2015 WI App 2 359 Wis. 2d 482 859 N.W.2d 125
2012AP2578	<u>Sonja Blake v. Debra Jossart</u> Whether a permanent disqualification from operating or working in a state-licensed or certified childcare facility, created by Wis. Stat. § 48.685(5)(br)5, violates equal protection facially or as applied. Whether a permanent disqualification from running or working in a state-licensed or certified childcare facility, created by Wis. Stat. § 48.685(5)(br)5, violates substantive due process facially or as applied. Is the irrebuttable presumption doctrine applicable to a statute that makes a decades-old misdemeanor conviction for failure to report an asset sufficient grounds for lifetime disqualification from licensure, certification, or employment as a caregiver in a state regulated child care facility?	11/04/2015 REVW Oral Arg 02/24/2016	4 Dane	Unpub.

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2013AP416	<u>Peggy Z. Coyne, et al. v. Scott Walker, et al.</u> Does the legislative authority delegated under Act 21 fall within the executive power conferred upon the Superintendent in Wis. Const. art. X, § 1 for the “supervision” of public instruction? Alternatively, without regard to the distinction between legislative and executive power, does Act 21 impermissibly infringe on the Superintendent’s power where Wis. Const. art. X, § 1 expressly authorizes the Legislature to appoint other officers and to prescribe all of the powers and duties related to public instruction, and where Act 21’s effect on rulemaking does not unduly burden or substantially interfere with the Superintendent’s role in the supervision of public instruction? Was the circuit court’s order overly broad in holding that Act 21’s provisions could never be lawfully applied to any proposed rule of the Superintendent, without regard to that rule’s connection with the Superintendent’s authority to supervise public instruction?	06/12/2015 REVW Oral Arg 11/17/2015	4 Dane	03/25/2015 Pub. 2015 WI App 21 361 Wis. 2d 225 862 N.W.2d 606
2013AP613 (consolidated with 2013AP687)	<u>Wisconsin Pharmacal Company, LLC v. Nebraska Cultures of California, Inc.</u> Is the supply of an ingredient that causes a recall of a product incorporating the contractually nonconforming ingredient a claim for “property damage”? Does an action that alleges contract-based claims seeking economic damages as a result of a contractually nonconforming goods constitute an “occurrence”? Does the Business Risk exclusion apply to negate coverage?	04/17/2015 REVW Reversed 03/01/2016 2016 WI 14	2 Ozaukee	11/18/2014 Pub. 2014 WI App 111 358 Wis. 2d 673 856 N.W.2d 505
2013AP646-CR	<u>State v. Leopoldo R. Salas Gayton</u> Whether a sentencing court may rely on a defendant’s illegal immigrant status as a factor in fashioning a sentence; and if such reliance is improper, whether it is a structural error or subject to a harmless error analysis.	11/05/2015 REVW Oral Arg 03/14/2016	1 Milwaukee	Unpub.
2013AP687 (consolidated with 2013AP613)	<u>Wisconsin Pharmacal Company, LLC v. Nebraska Cultures of California, Inc.</u> Is the supply of an ingredient that causes a recall of a product incorporating the contractually nonconforming ingredient a claim for “property damage”? Does an action that alleges contract-based claims seeking economic damages as a result of a contractually nonconforming goods constitute an “occurrence”? Does the Business Risk exclusion apply to negate coverage?	04/17/2015 REVW Reversed 03/01/2016 2016 WI 14	2 Ozaukee	11/18/2014 Pub. 2014 WI App 111 358 Wis. 2d 673 856 N.W.2d 505

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2013AP907	<u>Kenneth C. Burgraff, Sr. v. Menard, Inc.</u> Did an insurance company's duty to defend an insured terminate after the company settled with a plaintiff for less than the insurance company's liability limit?	02/10/2015 REVW Affirmed and remanded 02/24/2016 2016 WI 11	3 Eau Claire	08/27/2014 Pub. 2014 WI App 85 356 Wis. 2d 282 853 N.W.2d 574
2013AP1228-CR	<u>State v. Jimmie Lee Smith</u> Did the court of appeals exceed its constitutional authority by engaging in fact finding? Did the court of appeals impermissibly weigh the evidence rather than defer to the circuit court? Did the circuit court erroneously exercise its discretion concerning a defendant's mental capacity?	06/12/2015 REVW Oral Arg 10/06/2015	1 Milwaukee	10/29/2014 Pub. 2014 WI App 98 357 Wis. 2d 582 855 N.W.2d 422
2013AP1424-CR	<u>State v. James Elvin Lagrone</u> Is an on-the-record colloquy regarding the right to testify required at the second phase of a bifurcated criminal proceeding? Does the doctrine of harmless error apply when a circuit court does not conduct a colloquy and the defendant asserts that he did not understand he could testify?	09/09/2015 REVW Oral Arg 01/25/2016	1 Milwaukee	Unpub.
2013AP1724	<u>Aman Singh v. Paul Kemper</u> Is Wis. Stat. § 973.198, which changed the role the sentencing court plays in reviewing prisoners' potential early release based on PAT, unconstitutional? Whether the retroactive application of the law that gave inmates the opportunity to apply for early release in fact violates the <i>ex post facto</i> clauses of the United States and the Wisconsin Constitutions.	11/04/2015 REVW 11/04/2015 Oral Arg 03/14/2016	2 Racine	04/30/2014 Pub. 2014 WI App 43 353 Wis. 2d 520 846 N.W.2d 820
2013AP2316-CR	<u>State v. Richard J. Sulla</u> Did a defendant's affidavit, asserting that he did not understand that by agreeing to the read-in charge of arson he was effectively admitting guilt and that the read-in charge would have a negative impact on his sentence, allege facts requiring an evidentiary hearing on a postconviction motion for plea withdrawal? (See <u>State v. Bentley</u> , 201 Wis. 2d 303, 548 N.W.2d 50 (1996); <u>State v. Straszkowski</u> , 2008 WI 65, 310 Wis. 2d 259, 750 N.W.2d 835 and <u>State v. Frey</u> , 2012 WI 99, ¶73, 343 Wis. 2d 358, 817 N.W.2d 436)	09/15/2015 REVW Oral Arg 01/20/2016	4 Jefferson	Unpub.

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2013AP2433-CR	<u>State v. Stephen LeMere</u> Does defense counsel have an obligation to advise a defendant prior to entry of a guilty plea that the plea might ultimately lead to a lifetime commitment as a sexually violent person under Wis. Stat. ch. 980?	03/16/2015 REVW Oral Arg 09/17/2015	3 Eau Claire	--
2013AP2686-CR	<u>State v. Luis C. Salinas</u> Did the court construe joinder of charges too narrowly? Did the court err in concluding that the joinder of the charges was not harmless?	09/14/2015 REVW Oral Arg 01/20/2016	3 Brown	Unpub.
2013AP2756	<u>David M. Marks v. Houston Casualty Company</u> Is an insurer barred from using policy exclusions to litigate coverage if it is sued for breaching its duty to defend after unilaterally disclaiming coverage without seeking court approval? ? <u>See generally, Olson v. Farrar</u> , 2012 WI 3, ¶¶26-42, 338 Wis. 2d 215, 228-34, 809 N.W.2d 1. When an insurer drafts a policy in such a way that, by its plain language, one of its exclusions effectively takes away all coverage granted, can the entire policy be found illusory under Wisconsin law, or is such a result unreasonable? <u>See Grube v. Daun</u> , 173 Wis. 2d 30, 496 N.W.2d 106 (Ct. App. 1992). Can the court of appeals overrule a series of its published decisions if it finds them in conflict with prior published decisions? If so, can the court exercise such power without first attempting to harmonize the prior decisions?	09/15/2015 REVW Oral Arg 03/16/2016	1 Milwaukee	06/24/2015 Pub. 2015 WI App 44 363 Wis. 2d 505 866 N.W.2d 393
2014AP108-CR	<u>State v. Charles V. Matalonis</u> Under the community caretaker doctrine, did law officers act reasonably when, while lawfully inside a suspect's home, they conducted a warrantless search behind a locked door that had blood on it because of their belief that additional persons may have been injured during a battery that had occurred inside the home? Alternatively, under the protective sweep doctrine, did officers have a reasonable and articulable suspicion that justified their warrantless sweep of a locked room inside a suspect's' home for people who may have posed a danger to them as they investigated a battery that occurred inside the home?	04/17/2015 REVW Reversed and remanded 02/10/2016 2016 WI 7	2 Kenosha	Unpub.
2014AP157	<u>Dennis D. Dufour v. Progressive Classic Ins. Co.</u> Whether an insurance company, as the UM/UIM carrier, is obligated to reimburse the plaintiff-insured the amount the company received in subrogation from the tortfeasor's insurer for the damage to the plaintiff-insured's motorcycle because the plaintiff-insured claims he was not "made whole" for his bodily injury.	11/04/2015 REVW Oral Arg 02/04/2016	4 Dodge	Unpub.

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2014AP195	<u>Braylon Seifert v. Kay M. Balink, M.D.</u> Are an expert witness' qualifications and personal preferences alone sufficient to meet Wis. Stat. § 907.02(1)'s new reliability standard? Do the allegedly prejudicial comments made by plaintiffs' counsel during closing argument require a new trial? Under all of the circumstances, do the interests of justice require a new trial under Wis. Stat. § 751.06?	11/04/2015 REVW	4 Grant	08/26/2015 Pub. 2015 WI App 59 364 Wis. 2d 692 869 N.W.2d 493
2014AP304-CR	<u>State v. Richard L. Weber</u> Did the deputy's "hot pursuit" of a under Wis. Stat. § 346.04(2t) and/or Wis. Stat. § 946.41(1) constitute a sufficient exigency to justify a deputy's warrantless entry into the motorist's garage?	02/03/2016 REVW	4 Wood	Unpub.
2014AP400	<u>Milwaukee Police Association v. City of Milwaukee</u> Does the Home Rule Amendment to the Wisconsin Constitution require a statute to uniformly "impact" and "effect" each municipality in order to trump an ordinance addressing an issue primarily of local concern, as opposed to the uniform "affect" contained in the amendment itself? Does Wis. Stat. § 66.502 create a constitutionally protected liberty interest in being free from "residency" being used as a condition of municipal employment? May a municipality disregard legislative prohibitions on certain conditions of municipal employment, passing an ordinance disputing the legislature's policy determinations and asserting Home Rule authority to do so, without first seeking a declaration as to the rights and obligations of the parties?	11/04/2015 REVW Oral Arg 02/24/2016	1 Milwaukee	08/26/2015 Pub. 2015 WI App 60 364 Wis. 2d 626 869 N.W.2d 522
2014AP775	<u>Yasmine Clark v. American Cyanamid Company</u> Does applying Wis. Stat. § 895.046 – which prohibits plaintiffs from asserting claims against manufacturers of white lead carbonate under the risk-contribution theory as articulated in <u>Thomas v. Mallett</u> , 2005 WI 129, 285 Wis. 2d 236, 701 N.W.2d 523 – retroactively deprive a plaintiff of a vested property right in violation of the due process protections guaranteed by Article I, Section I of the Wisconsin Constitution?	12/02/2015 CERT Oral Arg 04/05/2016	1 Milwaukee	--

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2014AP821	<p><u>Fontana Builders, Inc. v. Assurance Company of America</u></p> <p>Whether the “fact, purpose and amounts of settlement” payments a homeowner policy made to buyers should have been barred by application of Wis. Stat. § 904.08.</p> <p>Whether the trial court’s ruling that the policy was not “other insurance” as a matter of law required the trial court to remove the issues presented to the jury from jury consideration.</p> <p>Whether the interpretation of the provisions of an insurance policy can ever be an issue of fact for the jury.</p> <p>Does a builder’s risk insurance coverage obtained by a builder/owner terminate when a potential purchaser obtains property insurance to cover the potential purchaser’s separate insurable interest in the property?</p> <p>May an insurance company introduce evidence of the fact, purpose and amount of a settlement by a second insurance company with a third party to prove that the second insurance company’s policy “applied,” thereby invalidating its insured’s claim (cf. Wis. Stat. § 904.08)?</p>	<p>09/09/2015 REVW Oral Arg 12/15/2015</p>	<p>2 Walworth</p>	<p>Unpub.</p>
2014AP827-CR	<p><u>State v. Rory A. McKellips</u></p> <p>What is the interpretation of Wis. Stat. § 948.075(1r), including the term “computerized communication system?”</p> <p>a. Does the use of a cellular telephone to send text messages, make telephone calls, or leave voicemail messages constitute the use of a computerized communication system?</p> <p>b. Must an individual use the data transmission capabilities of a cellular telephone or otherwise use the Internet to constitute the use of a computerized communication system?</p> <p>Was the jury instruction regarding the charge of violating Wis. Stat. § 948.075 an accurate statement of the law?</p> <p>Is Wis. Stat. § 948.075(1r) unconstitutionally vague as applied and interpreted by the circuit court?</p> <p>As a matter of law, can a new trial in the interest of justice be granted on the ground the real controversy was not fully tried based on a waived challenge to a jury instruction where the erroneous instruction was harmless error? If the jury instruction in this case was erroneous, was the error harmless?</p> <p>Did the court of appeals erroneously exercise its discretion by granting a new trial in the interest of justice without analyzing whether this is an exceptional case that warrants the extraordinary remedy of discretionary reversal?</p>	<p>11/16/2015 REVW Oral Arg 04/07/2016</p>	<p>3 Marathon</p>	<p>04/29/2015 Pub. 2015 WI App 31 361 Wis. 2d 773 864 N.W.2d 106</p>

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2014AP940	<u>Walworth State Bank v. Abbey Springs Condominium Association, Inc.</u> Whether a condominium association's "Membership and Guest Policy" requiring a bank or its successors in interest to pay unpaid condominium dues and assessments incurred prior to the confirmation of sale to the bank, affected in any way the quality of the unit's title or marketability in violation of Wis. Stat. § 703.165 (2). Whether the condominiums' policy which forbids the use of all recreation facilities to owners and occupants of any unit upon which regular or special assessments are delinquent, regardless of whether the Association rights were eliminated by foreclosure, thereby attempting to hold the new owners, such as a bank, jointly and severally liable after involuntary grants, violates Wis. Stat. § 703.165 (2).	08/06/2015 REVW Oral Arg 11/09/2015	2 Walworth	Unpub.
2014AP1177	<u>John Doe 56 v. Mayo Clinic Health System – Eau Claire Clinic, Inc.</u> Does the statute of limitations begin to run, under the rule set forth in <u>Estate of Genrich v. OHIC Insurance Company</u> , 2009 WI 67, 318 Wis. 2d 553, 769 N.W.2d 481, on a minor's claim for emotional distress resulting from medical malpractice at the time of the last treatment by the minor's pediatrician even though the minor has not sustained any injury and has no legally cognizable claim until years later when the minor learned that the pediatrician's exam had been improper? Did the court err in applying the intentional acts rule from <u>John BBB Doe v. Archdiocese of Milwaukee</u> , 211 Wis. 2d 312, 565 N.W. 2d 94 (1997) to a claim for medical malpractice that took place in a health clinic during the course of a routine medical examination provided by the health clinic?	09/09/2015 REVW Oral Arg 02/24/2016	3 Eau Claire	Unpub.
2014AP1213	<u>Cheryl M. Sorenson v. Richard A. Batchelder</u> Can a plaintiff-respondent strictly comply with the service requirements for a notice of claim under Wis. Stat. § 893.82 without literally complying with the language of the statute? Does a literal interpretation of Wis. Stat. § 893.82 fulfill the statutory purpose and spirit intended in its creation?	09/10/2015 REVW Oral Arg 01/20/2016	1 Milwaukee	--
2014AP1248-CR through 2014AP1251-CR	<u>State v. Patrick K. Tourville</u> Did the State breach a plea agreement when it recommended consecutive sentences? If so, was the trial attorney ineffective in failing to object to the recommendation?	09/09/2015 REVW Affirmed 03/15/2016 2016 WI 17	3 Polk	Unpub.
2014AP1267-CR	<u>State v. Andy J. Parisi</u> Whether the good faith exception to the exclusionary rule also applies when police seize blood for the purpose of testing it for the presence of drugs.	06/12/2015 REVW Affirmed 02/24/2016 2016 WI 10	2 Winnebago	Unpub.

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2014AP1283	<u>S. A. M., et al. v. Nancy M. Meister</u> Whether the grandparent visitation statute (Wis. Stat. § 767.43 (1)) requires a grandmother to show she has a relationship with her grandchildren similar to a parent-child relationship before the court can grant the grandmother visitation rights.	06/12/2015 REVW Oral Arg 10/06/2015	4 Jefferson	Unpub.
2014AP1508	<u>Patti J. Roberts v. T.H.E. Insurance Company</u> Did the trial court err when it ruled that whether or not a petitioners' claims are barred by the fact she signed a release of liability is a question of fact for the jury to determine? Whether the defendants/respondents were "occupiers" of the property in question for purposes of the recreational immunity statute at the time of the accident in question. See Wis. Stat. § 895.52(1)(d); <u>see also Doane v. Helenville Mut. Ins. Co.</u> , 216 Wis. 2d 345, 575 N.W.2d 734 (Ct. App. 1998).	09/09/2015 REVW Reversed and remanded 03/30/2016 2016 WI 20	4 Dodge	Unpub.
2014AP1853	<u>Albert D. Moustakis v. State of Wisconsin Department of Justice</u> Whether a statutory interpretation requiring the interpreter to ignore a definition of a specified term set forth by the legislature is per se unreasonable. Whether a state or local public official should have the rights of an employee and record subject to contest the release of Wis. Stat. § 19.356(2)(a) – equivalent records maintained by an authority which is not the public official's direct employer. Whether the open records balancing test should be used to disseminate defamatory, knowingly-false information about a public official.	11/05/2015 REVW Oral Arg 02/04/2016	3 Lincoln	08/26/2015 Pub. 2015 WI App 63 364 Wis. 2d 740 869 N.W.2d 788
2014AP1880	<u>United Food v. Hormel Foods Corporation</u> Is the donning and doffing of clothing that is required by the employer, occurs on the employer's premises, and benefits the employer "integral" and "indispensable" to the principal work activities of the employees—and therefore compensable under Chapters 103 and 109 of the Wisconsin Statutes and Wis. Admin. Code § DWD 272.12 (Feb. 2009)—even if the employees' tasks could be performed without the required clothing and equipment? Even if donning and doffing required work clothing and equipment is deemed "integral" and "indispensable" to the employees' work activities, is it nonetheless rendered non-compensable by the doctrine of <u>de minimus non curat lex</u> ?	05/12/2015 CERT Affirmed 03/01/2016 2016 WI 13	4 Rock	--

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2014AP2097 (consolidated with 2014AP2295)	<u>Prince Corporation v. James N. Vandenberg</u> May a circuit court award garnishment <u>sua sponte</u> to a party who has not requested garnishment, and who has not complied with the statutory prerequisites? May a creditor who garnishes a payment owed to multiple persons obtain more than the debtor's proportionate share of that payment?	09/09/2015 REVW Oral Arg 01/25/2016	3 Brown	07/29/2015 Pub. 2015 WI App 55 364 Wis. 2d 457 868 N.W.2d 599
2014AP2238-CR	<u>State v. Mastella L. Jackson</u> Does the inevitable discovery doctrine require the state to show that information garnered through police misconduct did not prompt or influence the purportedly lawful investigation? Does the inevitable discovery doctrine require the state to show that it was actively pursuing an alternative line of investigation prior to the illegal conduct?	10/08/2015 REVW Oral Arg 01/25/2016	Outagamie 3	06/24/2015 Pub. 2015 WI App 49 363 Wis. 2d 554 866 N.W.2d 768
2014AP2295 (consolidated with 2014AP2097)	<u>Prince Corporation v. James N. Vandenberg</u> May a circuit court award garnishment <u>sua sponte</u> to a party who has not requested garnishment, and who has not complied with the statutory prerequisites? May a creditor who garnishes a payment owed to multiple persons obtain more than the debtor's proportionate share of that payment?	09/09/2015 REVW Oral Arg 01/25/2016	3 Brown	07/29/2015 Pub. 2015 WI App 55 364 Wis. 2d 457 868 N.W.2d 599
2014AP2376	<u>Russell T. Brenner v. National Casualty Company</u> Should Wisconsin adopt the <u>Restatement (Third) of Torts</u> § 51 which supersedes the <u>Restatement (Second) of Torts</u> §§ 352 and 353? Does the <u>Restatement (Second) of Torts</u> § 352 relieve former possessors of land from liability for hazards created at their direction? Under the <u>Restatement (Second) of Torts</u> § 353, does the liability of a former possessor of land who concealed a hazardous condition it created continue until the current possessor has actual knowledge of the condition?	02/03/2016 REVW	1 Milwaukee	11/18/2015 Pub. 2015 WI App 85 365 Wis. 2d 476 872 N.W.2d 124
2014AP2431	<u>St. Croix County Department of Health and Human Services v. Michael D.</u> Is a CHIPS based TPR action barred if the last out-of-home placement order does not comply with the written notice provisions of Wis. Stat. § 48.356?	04/16/2015 REVW Oral Arg 09/08/2015	3 St. Croix	Unpub.

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2014AP2484	<u>Water Well Solutions Service Group Inc. v. Consolidated Insurance Company</u> In evaluating the "your product" and "your work" exclusions, are there limited exceptions to the "four-corners rule" that allow the Court to consider extrinsic evidence when evaluating the duty to defend of an insurer that has denied coverage? Does Wisconsin law allow an insurer to rely on exclusions in its policy to validate a denial of its duty to defend, or is the determination of an insurer's duty to defend at that stage limited to whether there is an initial grant of coverage?	12/03/2015 REVW Oral Arg 03/16/2016	2 Waukesha	10/28/2015 Pub. 2015 WI App 78 365 Wis. 2d 223 871 N.W.2d 276
2014AP2488-CR	<u>State v. Timothy L. Finley, Jr.</u> When a defendant who pleads guilty or no contest is misinformed that the maximum penalty that could be imposed is lower than the maximum actually allowed by law, and the sentence imposed is more than the defendant was told he could get, can the defect be remedied by reducing the sentence to the maximum the defendant was informed and believed he could receive instead of letting the defendant withdraw his plea?	01/11/2016 REVW Oral Arg 04/07/2016	3 Brown	10/28/2015 Pub. 2015 WI App 79 365 Wis. 2d 275 872 N.W.2d 344
2014AP2536-FT	<u>Democratic Party of Wisconsin v. Wisconsin Department of Justice</u> Did the DOJ properly exercise its discretion in the law-enforcement context to conclude that the public interest would be harmed by disclosure of information about crime victims and law enforcement techniques and strategies in its denial of an open records request. If a final ruling in this case results in an order for disclosure, should DOJ be given the opportunity to analyze the records in light of that ruling for possible redaction?	01/07/2016 REVW	4 Dane	--
*2014AP2603-CR	<u>State v. Glenn T. Zamzow</u> Whether the Sixth Amendment confrontation clause applies at a pretrial suppression hearing.	03/07/2016 REVW	2 Fond du Lac	01/27/2016 Pub. 2016 WI App 7 ____ Wis. 2d ____ ____ N.W.2d ____
2014AP2947	<u>Regency West Apartments LLC v. City of Racine</u> Do sales of HUD § 8 rent subsidized properties constitute "reasonably comparable" sales of properties with "similar restrictions" for purposes of applying the comparable sales approach to assess an IRC § 42 low income housing tax credit property? Is it appropriate to rely solely upon the income approach in valuing subsidized housing projects for property tax assessment purposes?	01/11/2016 REVW	2 Racine	Unpub.

NOTE: The statement of the issue is cursory and does not purport to be an all-inclusive, precise statement of the issues in the case. Readers interested in a case should determine the precise nature of the issues from the record and briefs filed with the Supreme Court.

APPENDIX
WISCONSIN SUPREME COURT PENDING CASES
 Clerk of Supreme Court
 (608) 266-1880

Case No.	Caption/Issue(s)	SC Accepted	CA Dist/ Cty	CA Decision
*2014AP2981-CR	<u>State v. Tabitha A. Scruggs</u> Beginning January 1, 2014, all criminal defendants are required to pay a \$250 DNA surcharge for every felony conviction, and a \$200 DNA surcharge for every misdemeanor conviction. Are the state and federal prohibitions against ex post facto laws violated when the surcharges are imposed on defendants who committed their crimes before January 1, 2014? Did the court of appeals misapply the test for determining whether a law violates ex post facto by failing to separately consider the punitive intent and the punitive effect of the mandatory DNA surcharge?	03/07/2016 REVW	2 Racine	11/18/2015 Pub. 2015 WI App 88 365 Wis. 2d 568 872 N.W.2d 146
2015AP146	<u>Wisconsin Carry, Inc. v. City of Madison</u> Whether state law preempts local agencies from regulating carrying of firearms when the governing bodies of such municipalities themselves lack the authority to do so. Whether an enabling ordinance for an agency is preempted to the extent it purports to give an agency the authority to regulate the carrying of firearms.	01/11/2016 REVW	4 Dane	09/30/2015 Pub. 2015 WI App 74 365 Wis. 2d 71 870 N.W.2d 675
2015AP157-CR	<u>State v. Eric L. Loomis</u> Is it proper for a trial court in sentencing a defendant to consider the COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) risk assessment? Did the trial court rely on the COMPAS risk assessment in sentencing the defendant? Did the trial court give undue weight to the dismissed but read-in charges in sentencing the defendant?	11/04/2015 CERT Oral Arg 04/05/2016	4 La Crosse	--

NOTE: The statement of the issue is cursory and does not purport to be an all-inclusive, precise statement of the issues in the case. Readers interested in a case should determine the precise nature of the issues from the record and briefs filed with the Supreme Court.

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Case No.	Caption/Issue(s)	SC Accepted	CA Dist/Cty	CA Decision
2015AP179	<u>Lands' End, Inc. v. City of Dodgeville</u> Would retroactive application of the amendments to Wis. Stat. § 807.01(4)(changing the applicable interest rate from 12% to prime plus 1%) to an offer to settlement that was made on July 1, 2009, violate constitutional right to due process of law? Did 2011 Wis. Act 69, by its express terms, purport to apply the amendment to Wis. Stat. § 807.01(4) retroactively to offer of settlements made prior to the effective date of Act 69 if judgment was entered after the effective date? Can the interest rate provided for in Wis. Stat. § 907.01(4) be retroactively reduced after an offer of settlement that was made in light of Wis. Stat. § 990.04. Would retroactive application of the amendment to Wis. Stat. § 907.01(4) to an offer of settlement that was made on July 1, 2009, violate the right to equal protection of the law when the reason that entry of judgment was delayed until after the enactment of 2011 Wis. Act 69 was that the trial court erroneously denied a motion for summary judgment?	01/07/2016 BYPA Oral Arg 03/16/2016	4 Iowa	--
2015AP366-CR	<u>State v. Stanley J. Maday, Jr.</u> Did a social worker's testimony constitute a prohibited opinion that, during an interview, a child was telling the truth?	02/11/2016 REVW	4 Columbia	Unpub.
*2015AP656-CR	<u>State v. Patrick K. Koziel</u> Is an Emergency Medical Technician who draws a person's blood while under the general supervision of a doctor a "person acting under the direction of a physician," under Wis. Stat. § 343.305(5)(b)? If blood is drawn under the implied consent law by a person not authorized to do so under § 343.305(5)(b), is suppression of the blood test results required?	03/07/2016 REVW	4 Sauk	Unpub.
2015AP869	<u>City of Eau Claire v. Melissa M. Booth</u> Does a circuit court lack subject matter jurisdiction to enter an OWI 1 st offense civil judgment if a defendant has a prior unknown out-of-state OWI conviction? Is a municipality legally precluded from pursuing a civil OWI citation if the defendant could also be charged criminally?	12/03/2015 BYPA Oral Arg 04/07/2016	3 Eau Claire	--

NOTE: The statement of the issue is cursory and does not purport to be an all-inclusive, precise statement of the issues in the case. Readers interested in a case should determine the precise nature of the issues from the record and briefs filed with the Supreme Court.